

Veterans and Military Enactments by the 2003 Legislature

This information brief lists fiscal and policy enactments made in the 2003 regular legislative session relating to veterans and members of the military. The principal state agencies affected by this legislation are the Minnesota Department of Veterans Affairs (MDVA) and the Department of Military Affairs (DMA/National Guard).

Policy Enactments — Veterans' Affairs

Chapter 18: Limiting Certain Benefits to “Residents”¹

This law amends the law that provides assistance to soldiers by changing the term *Minnesota citizen* to *Minnesota resident*, and clarifies the meaning of that term as 30 or more days of habitation in the state with the intent of making Minnesota one's home. It also authorizes the Commissioner of Veterans Affairs to require proof of residency and indicates how proof may be demonstrated.

Assistance is provided by the State Soldiers' Assistance Fund, which is managed by the MDVA to assist financially stressed military veterans and/or their dependents with temporary assistance with housing, medical care, and other life essentials (for up to six months). Currently, an estimated 427,000 Minnesotans are military veterans.

¹ [Laws 2003, ch. 18 \(H.F. 912, Rep. Kielkucki; S.F. 1095*](#), Sen. Rosen). The asterisk indicates the version of the bill that was enacted.

Chapter 124: Military Discharge Certificates to Be Private Data²

The law stipulates that military discharge certificates (e.g., forms DD214, DD215, etc.) filed on or after January 1, 2004, are classified as private data on individuals and may not be released to any individual unless the individual shows proof of identity and tangible interest and completes the required release form. The act defines a person who has a *tangible interest* as the individual himself or herself, the person's spouse, child, parent, or attorney/guardian. The government agency releasing the information can't charge a fee for its service. Government entities may continue to share the discharge forms, as needed for official business.

Under current law, upon the death of the subject "private data on individuals" shall become "private data on decedents," which shall become public when both ten years have elapsed from the actual or presumed death of the individual and 30 years have elapsed from the creation of the data.

Chapter 25: MDVA Given Access to MAXIS Data Base³

The MDVA can now electronically access the MAXIS data base of the Department of Human Services in order to verify eligibility of veterans applying for assistance to MDVA programs, such as the State Solders' Assistance Program. (Delayed effective date: October 1, 2004.)

Chapter 12: Probate Law Enactments⁴

This act adopts Article 5 of the Uniform Probate Code relating to guardianship, conservatorship and protective proceedings involving minors and vulnerable adults generally, including any incapacitated veterans. Portions of the enactment are entirely new law. The most significant changes are in sections dealing with parents or spouses appointing guardians and those dealing with estate planning and asset title changes for persons under conservatorship. Most provisions reorganize current law and make minor changes in it.

Chapter 12: Pensions—Extending Sunset for Military Service Credit⁵

This provision of the 2003 Omnibus Pensions Bill extends by one year—until May 16, 2004—the current authorization ([Minn. Stat. § 354.533](#)) for Minnesota public school teachers to purchase retirement service credit for certain time spent in prior military service (and/or certain other qualified employment). To exercise this option, a teacher must already have at least three years of allowable service credit. Allowable military service includes service prior to becoming a teacher, as well as any qualifying leave of absence from a teaching position upon being ordered to active military service (excluding voluntary extensions).

² [Laws 2003, ch. 124](#) (H.F. 768*, Rep. Jeff Anderson; S.F. 1039, Sen. Murphy)

³ [Laws 2003, ch. 25](#) (H.F. 1112*, Rep. Adolphson; S.F. 1185, Sen. Murphy)

⁴ [Laws 2003, ch. 12](#) (H.F. 166, Rep. Thissen; S.F. 112*, Sen. Betzold)

⁵ [Laws 2003, 1st spec. sess., ch. 12](#), art. 6, § 2 (S.F. 22, Sen. Betzold; H.F. 37, Rep. Smith.)

Chapter 1: Modifying the County Veteran Service Office Grant Program⁶

This enactment modified the county veteran service office grant program that is administered by the MDVA. Since 1993, this program has been providing small grants to counties for the purpose of enhancing the operations of the county veterans service office. Previously, the program required an application and awarded grants on a first-come, first-served basis to up to half of the counties in each of four size groupings based on veteran population. The 2003 amendment established a three-year rotating grant cycle for counties, eliminated the requirement for an application, reduced the grant amounts by 30 percent (formerly \$2,000 to \$8,000; reduced to \$1,400 to \$5,600, based on county veteran population), clarified the qualifying uses for the grant, and established a recapture provision for failure to comply with authorized requirements.

Chapter 30: Victory Memorial Drive Designated a Historic District⁷

This law designates Victory Memorial Drive in Minneapolis as a historic district. This parkway avenue, notable for its rows of several hundred elm trees, was initially created as a memorial to the corresponding number of Hennepin County soldiers who died in World War I.

Chapter 69: Hmong Veterans Commemorative Statue⁸

The act authorizes the placement of a commemorative statue in the Capitol area to honor the Hmong veterans of the war in Laos who were allied with the American forces during the Vietnam War.

Chapter 120: Pledge of Allegiance to Be Recited⁹

This law requires that the pledge of allegiance be recited at least weekly within every public school classroom (including charter schools). The enactment authorizes school boards to annually elect to opt out of this requirement or to amend it for their district school(s). Also requires boards to establish a school policy regarding instruction in flag etiquette.

⁶ Laws 2003, 1st Spec. Sess., ch. 1, art. 2, § 65 (Governor's initiative adopted into the 2003 Omnibus state government finance bill.)

⁷ Laws 2003, ch. 30 (H.F. 456*, Rep. Mullery; S.F. 511, Sen. Higgins)

⁸ Laws 2003, ch. 69 (H.F. 1335, Rep. Thao; S.F. 1282*, Sen. Murphy)

⁹ Laws 2003, ch. 120 (H.F. 6, Rep. Bruce Anderson; S.F. 287*, Sen. Murphy)

Policy Enactments — Military Affairs

Chapter 34: Tuition Reimbursement Support Level Maintained¹⁰

The National Guard's tuition reimbursement program is its principal recruiting tool. Currently, approximately 2,600 National Guard members are pursuing post-secondary education with assistance under this program, and an additional 320 soldiers are expected to do so upon their return to the Minnesota National Guard following their service in Iraq.

The 2001 Legislature temporarily increased the maximum tuition reimbursement program support level for individuals to 80 percent (up from 75 percent and 50 percent), pegged to the cost of tuition for lower division programs in the college of liberal arts at the University of Minnesota. This 2003 legislation eliminated the sunset on that reimbursement increase, which had been scheduled to revert to previous levels on June 30, 2003. Thus, the support level will continue indefinitely at 80 percent.

This benefit applies to members of the Minnesota National Guard, but not to members of other military reserve units. Participating guard members may enroll at any public or private post-secondary educational institution within or outside Minnesota.

Chapter 123: Salary Continuation, Differential Pay¹¹

This legislation compensates *state employees* who are members of the National Guard or other military reserves for any pay reduction they might incur as a result of being ordered to active military service. (This section of the act essentially restores a 1991 enactment that was repealed in 1997.)

The act directs state agencies to pay any state government employee who reports for active military service the difference between the person's military base pay and the salary that the person would have earned had the person continued in state government service (i.e., the net loss in pay, for up to four years). It also requires the continuation of the employee's state health and dental coverage until the person's military health and dental coverage becomes effective, and permits the person to continue dependent coverage at the person's own expense, as well as to continue participation in any state pretax account.

Under current statutes, the term "state agency" includes the Minnesota State Retirement System, Public Employees Retirement Association, Teachers Retirement Association, and the Minnesota State Colleges and Universities, but not the University of Minnesota. The act explicitly excludes from benefit eligibility any judge, legislator, or constitutional officer of the executive branch. This section applies to state employees serving in active military service on or after the date of enactment who report for active service no later than the sunset date of June 30, 2005.

¹⁰ Laws 2003, ch. 34 (H.F. 1080*, Rep. Brod; S.F. 971, Sen. Metzen)

¹¹ Laws 2003, ch. 123 (H.F. 294*, Rep. Eastlund; S.F. 117, Sen. Betzold)

Currently, there are about 12,000 Minnesota National Guard members and an additional 6,000 other Minnesotan military reservists. Approximately 500 of these 18,000 persons are state employees. Currently, well over 1,000 of these troops are serving in active military service. It is unknown what fraction of these men and women would qualify for differential pay through earnings loss associated with activation. However, the fiscal note for the bill estimated a state cost of \$300,000 in fiscal year 2003, and approximately \$1.3 million in each of fiscal years 2004, 2005, and 2006.

The enactment also amends a section of current law that applies to *local government employees* (which also was enacted in 1991, but has not since been repealed). Under current law, political subdivisions may, at their discretion, pay a salary differential and/or continue benefits to compensate an employee who is a member of the National Guard or other military reserve unit who reports for active military service. The amendments in this section are aimed at ensuring consistency with the provisions of the bill relating to state employees.

For purposes of this act, the term *active service* includes:

- › *federal active service* – under U.S.C. Title 32 (e.g., for the war with Iraq);
- › *federally funded state active service* – under U.S.C. Title 10 (e.g., for anti-terrorist guard duty within the state); and
- › *state active service* (e.g., for the state workers' strike and natural disaster recovery duty within Minnesota).